

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKUMAR, Ali.

(In the space above enter the full name(s) of the plaintiff(s)/petitioner(s).)

- against -

KATHLEEN MURLEY ET AL

(In the space above enter the full name(s) of the defendant(s)/respondent(s).)

11 Civ. 4047 (RJS) (AJP)

USDC SOUTHERN DISTRICT OF NEW YORK
NOTICE OF MOTION
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/19/11PLEASE TAKE NOTICE that upon the annexed affirmation of Umar Ali

(name)

affirmed on OCT. 10, 2011, and upon the exhibits attached thereto (delete if no
(date)

exhibits), the accompanying Memorandum of Law in support of this motion (delete if there is no

Memorandum of Law), and the pleadings herein, plaintiff/defendant will move this Court, before

(circle one)

A.J.P.

(Judge's name)

United States District Magistrate Judge for an order

(circle one)

pursuant to Rule 37.2 of the Federal Rules of Civil Procedure granting (state what you want theJudge to order): Discovery for Prisoner. Requesting
all documents Plaintiff filed to defendants
and rules and regulations regard religious
rights in Punitive Segregation

I declare under penalty of perjury that the foregoing is true and correct.

Dated: East Elmhurst, NY
(city) (state)
October 12, 2011
(month) (day) (year)Signature [Signature]
Address 09-09 Hazen St
East Elmhurst
Telephone Number N/A
Fax Number (if you have one) N/A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Umar Ali

(In the space above enter the full name(s) of the plaintiff(s)/petitioner(s).)

11 Civ. 4047 ^{RJS} ^{AJP} () ()

- against -

KATHLEEN MURLEY ET AL

**AFFIRMATION IN
SUPPORT OF MOTION**

(In the space above enter the full name(s) of the defendant(s)/respondent(s).)

I, Umar Ali, affirm under penalty of perjury that:
(name)

1. I, Umar Ali, am the plaintiff defendant in the above entitled action,
(name) (circle one)
and respectfully move this Court to issue an order Discovery 37.2.
(state what you want the Judge to order)

2. The reason why I am entitled to the relief I seek is the following (state all your reasons
using additional paragraphs and sheets of paper as necessary):

WHEREFORE, I respectfully request that the Court grant this motion, as well as such
other and further relief as may be just and proper.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: East Elmhurst, N.Y.
(city) (state)
October 12th, 20 11
(month) (day) (year)

Signature [Signature]
Address 09-09 Hazen St
East Elmhurst 11370
Telephone Number N/A
Fax Number (if you have one) N/A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UMAR, Ali

(In the space above enter the full name(s) of the plaintiff(s)/petitioner(s).)

- against -

KATHLEEN MURPHY ET AL

RJS AJP
11 Civ. 4047 () ()

AFFIRMATION OF SERVICE

(In the space above enter the full name(s) of the defendant(s)/respondent(s).)

I, Umar, Ali
(name)

, declare under penalty of perjury that I have
served a copy of the attached 37.2 (Discovery)
(document you are serving)

upon Judge Andrew J. Peck whose address is 500
(name of person served)

Pearl St NY, NY 10007
(where you served document)

by Mail
(how you served document: For example - personal delivery, mail, overnight express, etc.)

Dated: East Elmhurst, NY
(town/city) (state)
October 12th, 20 11
(month) (day) (year)

[Signature]
Signature

09-09 Hazen, St
Address

East Elmhurst 11370
City, State

Zip Code

N/A
Telephone Number

United States district court
Southern district of New York

UMAR ALI

Plaintiff

- Against -

Reply to Answer
11C.V.4047 (RJS)(AJP)

KATHLEEN MURPHY ET AL

Defendants

I Plaintiff / Pro se counsel intends to offer "Reply to Answer" of Complaint respectfully allege as follows ¹:

1. All facts are accurate in Paragraph "1"
2. All facts are accurate in Paragraph "2"
3. All facts are accurate in Paragraph "3"
4. All facts are accurate in Paragraph "4"
5. All facts are accurate in Paragraph "5"
6. All facts are accurate in Paragraph "6"
7. facts in Paragraph "7" are accurate. The Precepts

of Islam and importance of attending Jummah Fridays weekly is well known throughout the Department of Corrections and individual facilities. WEEKLY Jummah service is afforded and should be afforded throughout NEW YORK CITY and NEW YORK State. Jummah Services are so severe throughout D.O.C inmates are allowed to refuse Court and other services on Jummah Fridays.

8. All claims are accurate and comments were made by said Defendants.

I A copy of the Complaint with its Paragraphs numbered Exhibit "A"

RECEIVED
JINNY PRO SE OFFICE
2010 OCT 19 PM 3:15

9. All Claims in Paragraph "9" are accurate, yet if Counsel is inferring George R. Vienne Center houses for mental health infractions inmate disciplinary issues added with mental health warrants the denial of First Amendment rights and mandatory religious services of the Bantam Correctional Center and George R. Vienne Center is entirely the same. No religious violation should take place in any facility.

10. Disputing Counsel Claim in Paragraph "10" if inmates in George R. Vienne Center are allowed to Congregate during the Holy Month of Ramadan why aren't they allowed to Partake in JUMNAH which is equally important.

11. All Claims are accurate in Paragraph "11"

12. All Claims are accurate in Paragraph "12"

13. Disputing Counsel Claim in Paragraph "13" Prison official are favoring other inmates religion, depriving Jumma Services and showing forms of discrimination. According to D.O.C Policy, Rules, Directive there should be a religious reader assigned to both General Population and Punitive Seg

14. All Claims in Paragraph "14" are accurate.

15. All Claims in Paragraph "15" are accurate.

16. All Claims in Paragraph "16" are accurate.

17. All Claims in Paragraph "17" are accurate.

18. All Claims in Paragraph "18" are accurate.

19. All Claims in Paragraph "19" are accurate.

20. All Claims in Paragraph "20" are accurate.

21. Disputing Counsel claim in Paragraph "21"
 Plaintiff Exhausted all available remedies.
 Plaintiff filed Numerous complaints/grievances,
 yet Plaintiff received NO response or Complaint/
 Grievance Log number or any form of Acknowledgment
 According to the Inmate Grievance Resolution
 Program/Grievance directive if you don't hear
 a decision within the deadline you should
 appeal of the next Step. Grievance Procedures
 attached² Exhibit B.

22. All claims are accurate in Paragraph "22"
 Plaintiff Reported all issues in Claim to all
 defendants

23. All claims are accurate in Paragraph "23"
 Plaintiff Exhausted all available remedies.

24. All claims are accurate in Paragraph "24"

25. All claims are accurate in Paragraph "25"

26. All claims are accurate in Paragraph "26"

Reply to Plaintiff's Defenses

Plaintiff clearly stated a claim which
 relief can be granted This action arises
 under the first amendment to the United
 States Constitution, free exercise clause, BUIPA,
 Establishment Clause and under 42 U.S.C. § 1983.
 Plaintiff Exhausted all remedies as stated in
 Complaint. Qualified immunity is a defense
 one can raise yet it's usually decided by the
 judge. Qualified immunity is not a defense
 for injunctive relief or constitutional rights
 that were violated.

2 COPY OF Inmate Grievance Resolution
 Program Exhibit B

{4}

(Cont'd)

Defendants clearly knowingly, willingly and intentionally violated numerous rights throughout this complaint and failed to remedy or prevent such action from occurring. Defendant are liable under supervisor liability, acting under color of state law, indirect municipal liability and creating or allowing an unconstitutional policy or custom.

WHEREFORE, Plaintiff Request judgment denying defendants counsel request to dismiss complaint and denial of all relief. Plaintiff request jury try and adequate relief.

Dated: East Elmhurst
October 12th, 2011

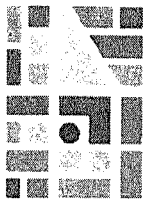
UMAR, Ali
241-10-07470
09-CA Hazen St
East Elmhurst, NY 11370

To: Police Office

Corporation Counsel of the City of New York
Magistrate Judge Andrew J. Beck

Pratt, King, Smith and
Umar, Ali

(four pages in total)



**THE
LEGAL
AID
SOCIETY**

Prisoners' Rights Project
199 Water Street
New York, NY 10038
T (212) 577-3530
www.legal-aid.org

Blaine (Fin) V. Fogg
President

Steven Banks
Attorney-in-Chief

Adriene L. Holder
Attorney-in-Charge
Civil Practice

John Boston
Project Director
Prisoners' Rights Project

MEMORANDUM

To: Prisoners in the Custody of NYC Department of Correction

From: Prisoners' Rights Project

Re: Inmate Grievance Resolution Program

As an inmate in the custody of New York City Department of Corrections, you have the right to file a complaint about an issue or policy that directly affects you using the Inmate Grievance Resolution Program guidelines. This memo describes the importance and purpose of the grievance process, and gives you an overview of the steps you must follow to file a grievance to completion.

We have heard from many inmates that the grievance process seems fruitless, but there are two key reasons why you should follow the grievance procedures carefully: first, if you plan to file a federal lawsuit or an Article 78 proceeding, you **must** exhaust the grievance process (described in more detail below). Failure to do so will result in a rejection of your lawsuit. Second, filing a grievance creates or adds to the record about a particular problem. A history of grievances about a particular issue or officer can make it easier to support your claim, and you may help others in the future who have similar complaints by leaving a paper trail of your own.

Under federal law (the Prison Litigation Reform Act), if you do not **exhaust** the grievance process—by appealing any adverse decisions all the way through the system—you will be barred from bringing a federal lawsuit arising from the incident. As explained below, the grievance exhaustion requirement does not apply to complaints arising from staff or inmate assaults, or from classification decisions. But complaints about medical care, including complaints about access to medical care, **must** be exhausted.

As long as your grievance is filed correctly, it should be reviewed by the Inmate Grievance Resolution Committee (IGRC). If you are not satisfied with the IGRC's decision, you must appeal to the Commanding Officer of the facility, then to the Central Office Review Committee, and finally, to the NYC Board of Correction.

A grievance must be filed quickly and correctly, and there are a number of steps you have to follow in the appeals process, which are explained in the flow chart attached to this memo. While the attention to detail required may seem tedious, the grievance process is one of the only ways to have your complaints heard by DOC, and is the only way to preserve your right to bring a lawsuit later, so you should follow the grievance instructions carefully. If you have a disability or do not know how to read or write in English, you have the right to certain accommodations. Seek out your facility's Grievance Supervisor to get the assistance you need.

The grievance process is meant to address complaints about how general policies, issues, rules, procedures or specific implementation of such policies, issues, rules, or procedures have negatively affected you. DOC has deemed certain issues "non-grievable;" that is, you should not use the grievance process to address them because they require a different procedure for lodging a complaint. For example, the grievance process will not help you resolve **classification** complaints related to Centrally Monitored Case status, Red ID or Enhanced Restraint Status, or Protective Custody designation. Nor is the grievance process open to complaints about staff assaults, or inmate assaults which staff permitted or failed to prevent. These complaints are deemed "non-grievable."

If you are concerned about whether your complaint is grievable, you should check with your facility's Inmate Grievance Clerk or Inmate Housing Aid. These are men or women who have been elected to the IGRC by fellow inmates, and whose job it is to help you with the grievance process.

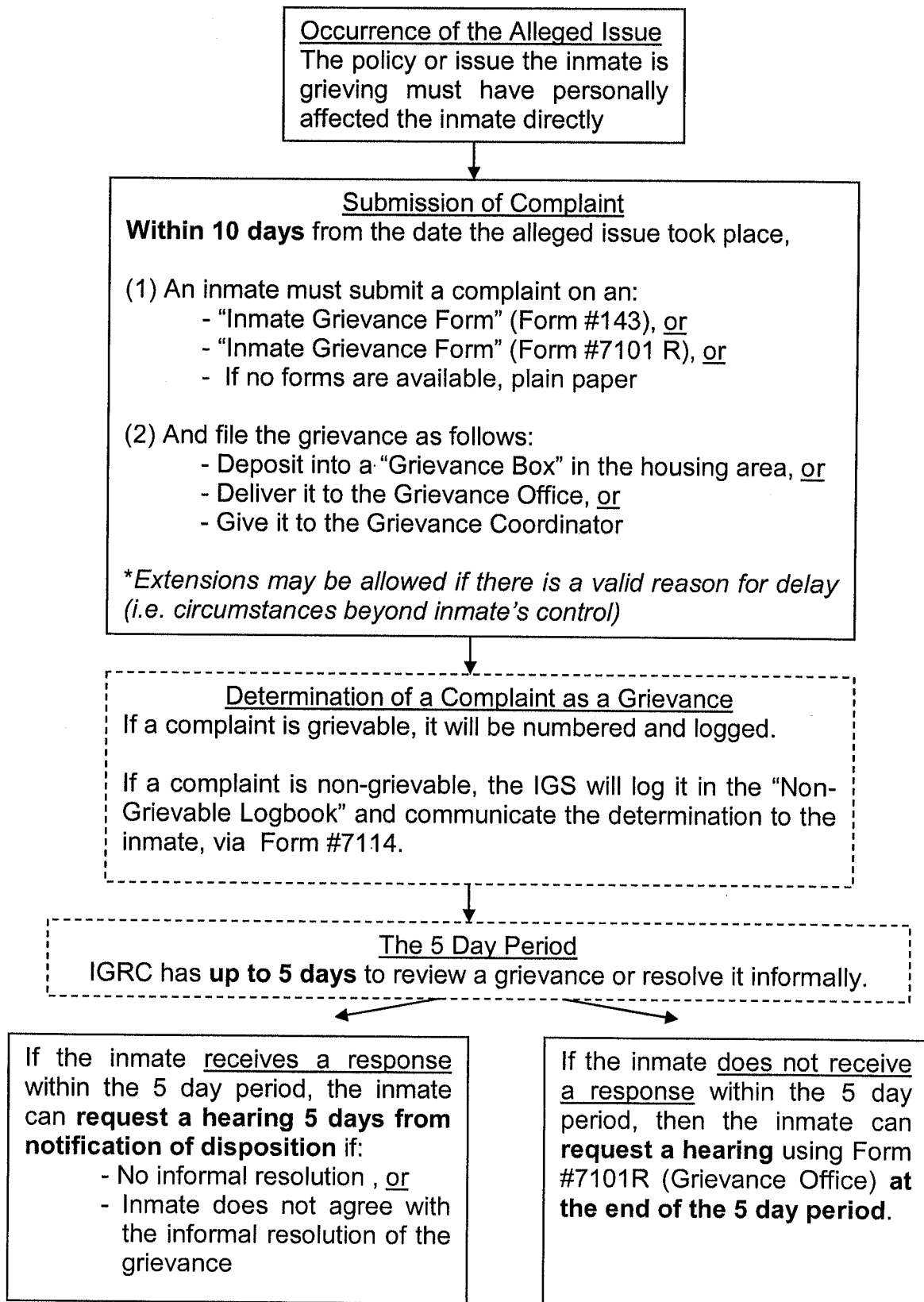
Once you have determined that your issue is grievable, the next step is to submit your **complaint within 10 days** from the date the alleged issue took place. Your complaint can be filled out using an "Inmate Grievance Form" (Form #143), an "Inmate Grievance Form" (Form #7101 R), or even on a plain piece of paper if neither form is available. Your complaint must contain your name; Book and Case number; present housing facility; and a **brief but specific** description of the complaint and how you would like the problem to be addressed. If you simply ask to speak with the IGRC, if you don't include specific facts in your complaint, or if you have not been personally affected by the issue you raise, your grievance will be dismissed.

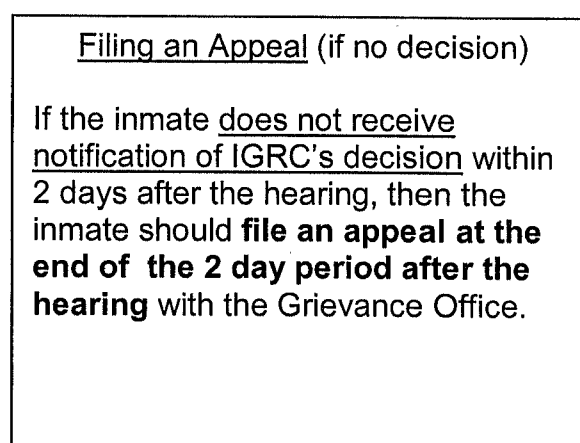
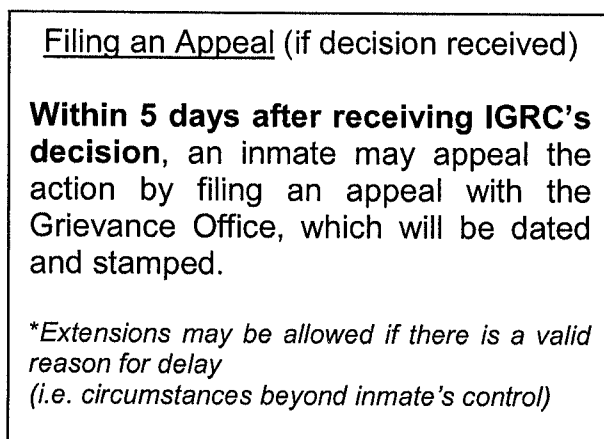
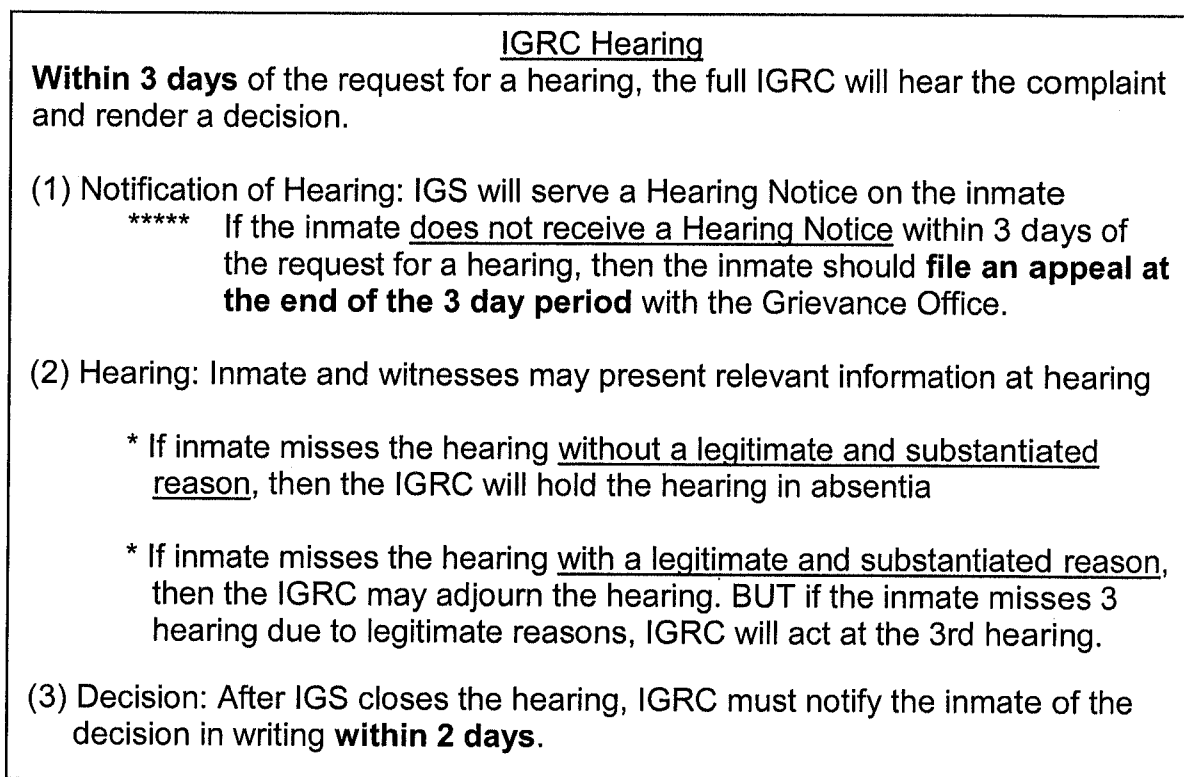
Next, you need to file your **grievance**. You can do this by depositing it in the "Grievance Box" in the housing area, delivering it to the Grievance Office, or by giving it to the Grievance Coordinator. If the complaint is grievable, it will be forwarded to the Inmate Grievance Resolution Committee (IGRC), who will meet to discuss your complaint, and vote on how to respond. The IGRC is made up of one correction officer and four inmates, who have been elected as members of your community who can make objective and fair assessments of grievances. The IGRC should meet within 5 days and render a decision. If you are unsatisfied with the decision, you must appeal it. The deadlines for appeal are strict and you should follow the attached flow chart to appeal each decision as it moves up the chain, if you continue to be unsatisfied with the decision.

It is important to note that **if you do *not* hear about a decision** within the deadline, you should assume that your grievance has been **rejected** and that you should appeal it within the deadline if you would like to pursue the complaint. It is critical that you count the days carefully so you do not miss any deadlines. Each “day” means full calendar days, not including weekends and holidays. Remember that the steps of the grievance resolution program must be “exhausted” (that is, appealed to the highest level) in order for you to bring a lawsuit in the future. (Again, complaints arising from assaults are not grievable in the City jails.)

The attached flow chart should help you navigate this process, and will give you guidance about deadlines at each step of the grievance process.

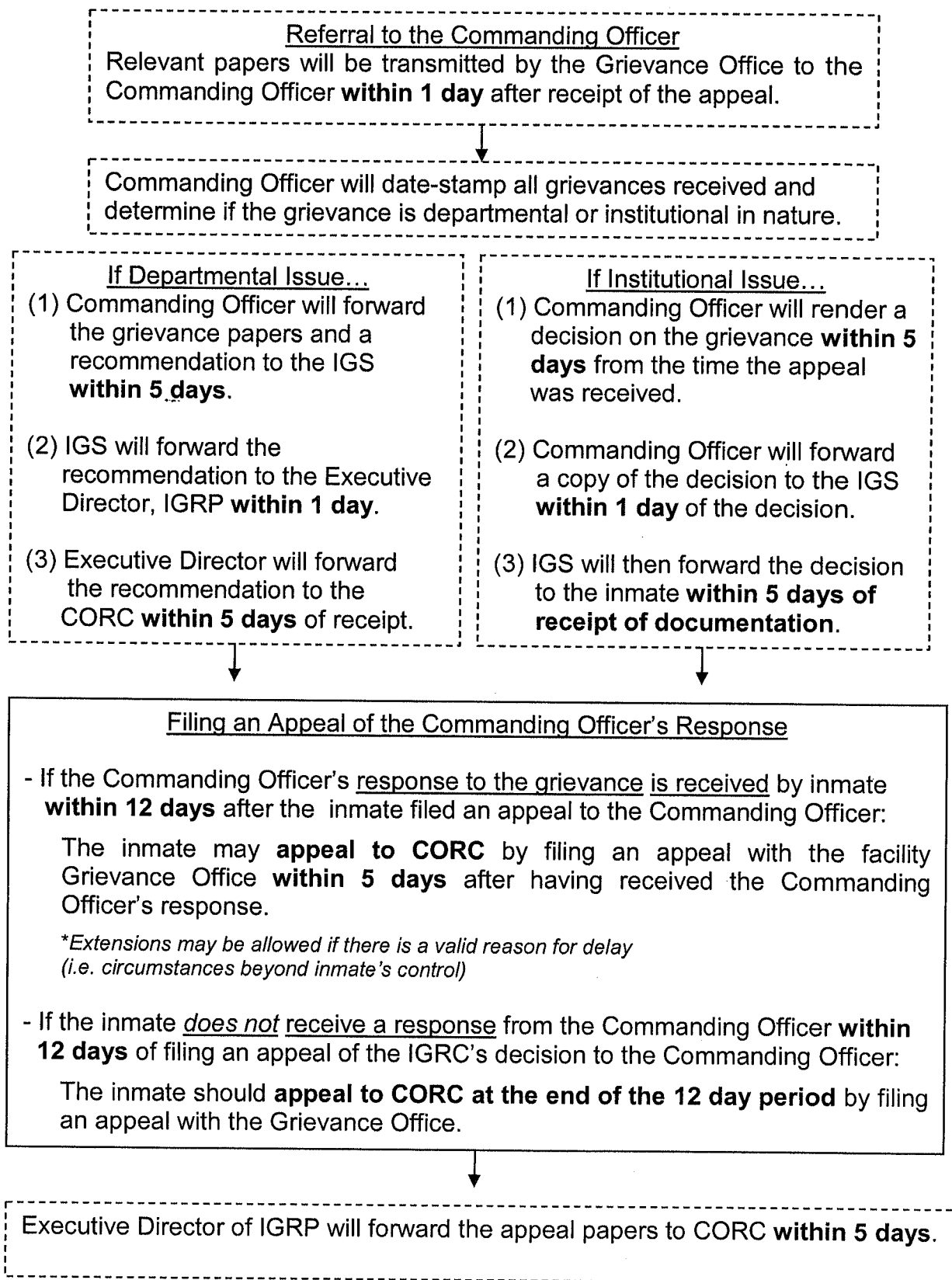
STEP 1: SUBMITTING THE COMPLAINT TO THE IGRC



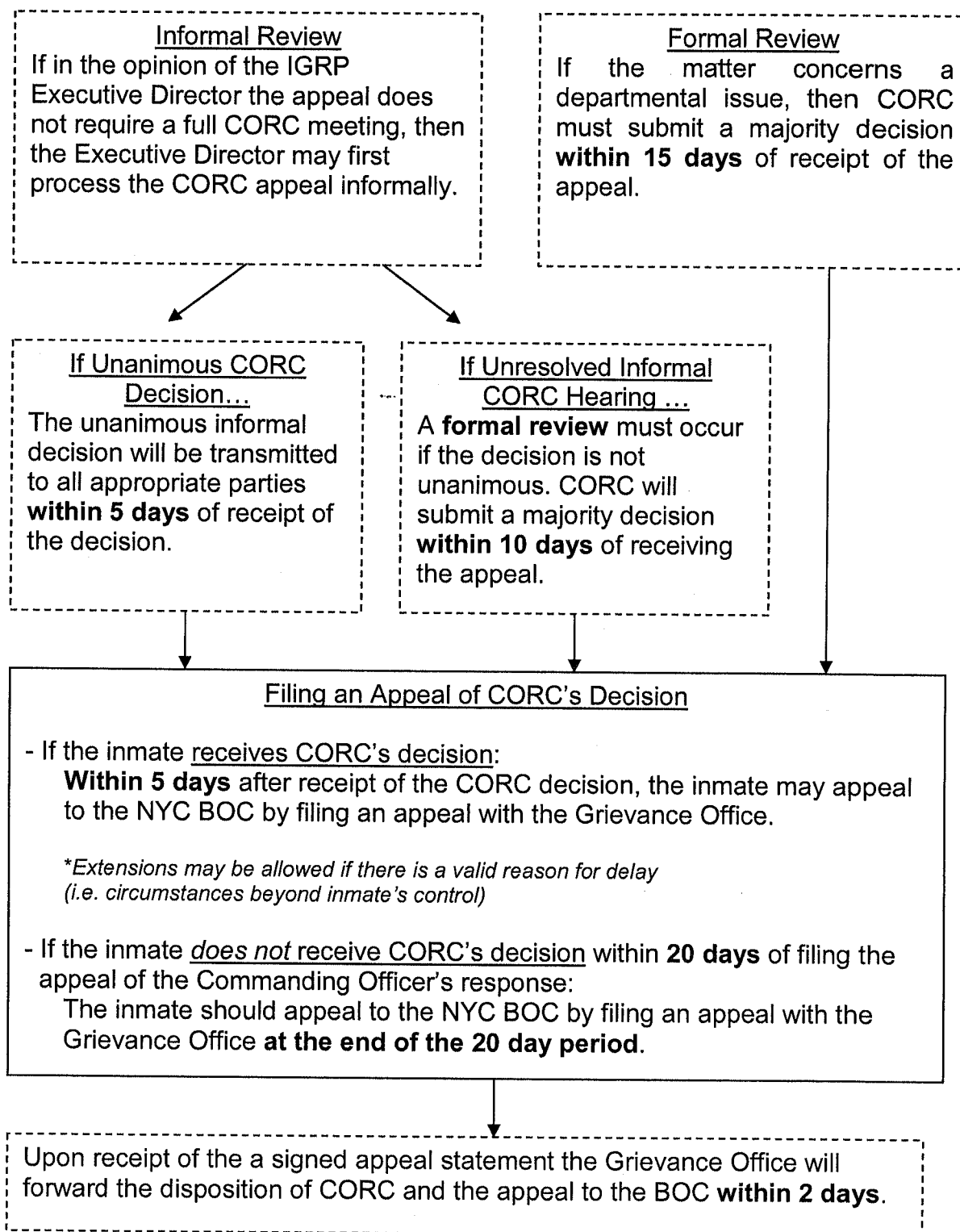


IGS will forward the appeal to the Commanding Officer **within 1 day of receipt**.

STEP 2: APPEAL PROCESS TO THE COMMANDING OFFICER



STEP 3: APPEAL TO THE CORC



STEP 4: APPEAL TO THE NYC BOC

NYC BOC Action for Commissioner Decision
Within 20 days, NYC BOC will forward its findings and non-binding recommendation to the Commissioner.



Within 20 days of receipt of the NYC BOC Action and Response, the Commissioner will respond. The Commissioner's decision is final. A copy will be transmitted to the inmate.



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEMORANDUM

Pro Se Office

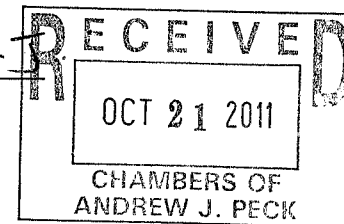
SCANNED

To: The Honorable Andrew J. Peck, U.S.M.

From: J. Street, *Pro Se Office*, x0177

Date: OCT 19 2011

Re: Alli v. Mouley, et al 11 Civ. 4047 (RJS) (AJP)



The attached document, which was received by this Office on OCT 19 2011, has been submitted to the Court for filing. The document is deficient as indicated below. Instead of forwarding the document to the docketing unit, I am forwarding it to you for your consideration. See Fed. R. Civ. P. 5(d)(2)(B), (4). Please return this memorandum with the attached papers to this Office, indicating at the bottom what action should be taken.

☒ No original signature.

☒ No affirmation of service/proof of service.

☐ The document appears to be a request in the form of a letter.

☐ Other: _____

☒ **ACCEPT FOR FILING**

☐ **RETURN TO PRO SE LITIGANT**

Comments:

 United States District Judge

 United States Magistrate Judge

HON. ANDREW J. PECK
 United States Magistrate Judge
 Southern District of New York

Dated: